

## **Clarksburg Won't Happen Again**

Close to Home

*The Washington Post*

Sunday, September 25, 2005; B08

County officials want to restore confidence in Montgomery land-use planning and enforcement and make sure that no more Clarksburgs occur. However, in her Sept. 18 Close to Home column, "Clarksburg: A New Word for Rip-Off," Michele Dyson did not acknowledge that and missed these essential facts:

- Elected and appointed Montgomery County officials learned of citizen complaints about height, setbacks and other Clarksburg planning issues at different times in the past nine months, but in each case, they acted on what they learned when they learned it.
- Officials acted, not just on Clarksburg issues, but on potential violations throughout the county.
- Officials are working to correct deficiencies in enforcement and regulatory processes.

At a hearing in April, the Montgomery County Planning Board found no height violations in Clarksburg. Subsequently, it was learned that a staffer had altered certain documents. In a July hearing the board found that numerous townhomes in Clarksburg were too tall and located too close to the street. The board has scheduled another hearing on additional issues for Oct. 6.

In late June I and several other Montgomery County Council members met with residents of Clarksburg and learned about their allegations of planning violations. The council immediately directed the county Office of Legislative Oversight to review Clarksburg and report on its findings and recommendations. The council also directed the Planning Board to review all site plans approved in the past two years in the county to determine whether other problems existed.

In July County Executive Doug Duncan and Planning Board Chairman Derick Berlage issued a temporary freeze on building permits in certain zones. Builders now must resubmit applications with more detailed information.

In July I also supported legislation to prevent construction of new houses until height and setback information was verified. I asked the inspector general to investigate previously approved site plans. Although the legislation did not pass, the council is requiring that the Planning Board:

- Conduct a review of 118 plans approved in the county in the past two years.
- Limit authority to make even minor changes to approved plans to the staff director at the Planning Department; public notice will be given of these changes.
- Redeploy staff and hire new staff to review and enforce approved plans.
- Have developers cover the cost of these expenditures through fees.

The council's planning committee, which I chair, will hold oversight sessions to review systemwide problems with planning and decide on corrective action. The public then will have the opportunity to bring any additional land-use enforcement issues to the council.

When the council receives the Office of Legislative Oversight report in November, it will consider the report's suggestions for improving land-use enforcement. It also will consider the county executive's recommended legislation to shift enforcement of approved site plans from the planning department to the executive branch; the executive branch already regulates and enforces many aspects of development approval.

The goal is to identify systemic problems and fix them. We are well on the way to fulfilling it.

--Steven Silverman (D) is an at large member of the Montgomery County Council and chairs its Housing Committee.

[councilmember.silverman@ montgomerycountymd.gov](mailto:councilmember.silverman@montgomerycountymd.gov)